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8 Attorneys for Plaintiffs

9 NATHAN GARRETT and JONATHAN NELSON

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12
13 NATHAN GARRETT, an individual;
14 JONATHAN NELSON, an individual.

15 Plaintiff,

16 v.

17
18 UNITED STATES OF AMERICA; and
19 Does 1 to 50, inclusive.

20
21 Defendants.
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23
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Case No.:

COMPLAINT FOR DAMAGES

1. NEGLIGENT OPERATION OF
A MOTOR VEHICLE

25 COME NOW PLAINTIFFS NATHAN GARRETT and JONATHAN
26 NELSON, complaining of Defendants and alleges as follows:

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1 **I.**

2 **JURISDICTION**

3 1. This action is brought pursuant to the Tort Claims Act, 28 U.S.C.
4 §2671 et seq. Jurisdiction is founded on 29 U.S.C. §§1346(b).

5 **II.**

6 **VENUE**

7 2. Venue is proper in the Central District of California. The motor
8 vehicle accident giving rise to this complaint occurred near 114th St. &
9 Central Ave., Los Angeles, CA 90059, which is within the present judicial
10 district. Plaintiff also resides within this judicial district.

11 **III.**

12 **PARTIES**

13 3. Plaintiffs NATHAN GARRETT and JONATHAN NELSON,
14 (hereafter "PLAINTIFFS") are and at all relevant times were residents of Los
15 Angeles County, California.

16 4. At all times relevant herein, the Defendant UNITED STATES OF
17 AMERICA is a governmental agency.

18 **IV.**

19 **FACTS COMMON TO ALL ACTIONS**

20 5. On or about June 28, 2021 Plaintiffs were lawfully operating their
21 vehicle on Central Ave. near 114th. Defendants' employee, operating a U.S.
22 Postal Service mail-delivery truck, operated his vehicle on Central Ave. and
23 negligently merged into Plaintiffs' lane of travel without caution and in such
24 an unsafe manner that it violently collided into Plaintiffs' vehicle.

25 6. On said date, Defendants' employee drove carelessly, negligently and
26 with extreme recklessness, including, but not limited to, negligently merging
27 into Plaintiffs' lane of travel without caution and in an unsafe manner.
28

1 7. In negligently merging into Plaintiffs' lane of travel, Defendants'
2 employee carelessly and negligently struck Plaintiffs' vehicle as it traveled
3 on Central Ave..

4 8. On December 27, 2021, Plaintiffs submitted a claim based on the
5 allegations herein to Defendant UNITED STATES OF AMERICA for
6 administrative settlement and has not been rejected by an agent for
7 Defendant UNITED STATES OF AMERICA.

8 V.

9 FIRST COUNT/CAUSE OF ACTION

10 NEGLIGENT OPERATION OF A MOTOR VEHICLE

11 9. Plaintiffs incorporate herein by reference paragraphs 1 through 8,
12 above as though fully set forth herein.

13 10. On June 28, 2021, a U.S. Postal Service mail-delivery truck was
14 operated by Defendants' agent or employee as he was in the course and
15 scope of his employment with Defendant UNITED STATES OF AMERICA.

16 11. Defendants' employee was driving negligently and carelessly,
17 including but not limited to, negligently merging into Plaintiffs' lane of travel
18 without caution and in an unsafe manner.

19 12. Defendants and their agents and employees acted carelessly,
20 recklessly, unskillfully, unlawfully, tortiously, wantonly and wrongfully
21 entrusted, permitted, managed, serviced, repaired, inspected, maintained,
22 operated, controlled, and drove the U.S. Postal Service Truck as to
23 proximately cause the same to collide against the vehicle which Plaintiffs
24 were then operating, as aforesaid, thereby proximately causing the injuries
25 and damages hereinafter mentioned.

26 13. Defendants' employee was also negligent in failing to keep attentive as
27 to his whereabouts and oncoming traffic. Said Defendants knew or should
28 have known that there was oncoming traffic and failing to safely merge into

1 an adjacent lane would be unsafe, all of which negligence, carelessness and
2 recklessness constituted the proximate cause of him striking Plaintiffs'
3 vehicle.

4 14. As a proximate result of each and all of the aforesaid acts and
5 omissions of the Defendants, Plaintiffs were injured about their bodies and its
6 members and were rendered sick, sore, lame and disabled, and was injured in
7 health, strength and activity, a portion of said injuries being permanent. As a
8 result of said injuries, Plaintiffs have had, and in the future will have,
9 physical, mental and emotional pain, suffering, worry and anxiety.

10 15. As a proximate result of each and all of the aforesaid acts and
11 omissions of the Defendants, Plaintiffs suffered grave and serious mental
12 anguish, fear, anxiety and illness, a portion of said injuries being permanent.
13 As a proximate result of said injuries and damages, Plaintiffs have had, and
14 in the future will have, physical, mental and emotional pain, suffering, worry
15 and anxiety.

16 16. By reason of said injuries, Plaintiffs have incurred, and probably will
17 incur in the future, hospital, surgical, ambulance, medical, nursing and
18 household expenses, all to his further damage.

19 17. By reason of said injuries, Plaintiffs were unable to do their usual work
20 for a period of time, have been unable to do a portion of their work since that
21 time, will be partially disabled in the future and have sustained damage to
22 their future earning capacity, all to this damages, according to proof.

23 18. By reason of said injuries, Plaintiffs have sustained damage to their
24 future earning capacity, all to their further damages, according to proof.

25 19. As a proximate result of each and all of the aforesaid acts and
26 omissions of the Defendants, Plaintiffs' vehicle sustained damage, according
27 to proof.

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1 20. By reason of said collision, Plaintiffs were deprived of the use of a
2 vehicle for a period of time, all to Plaintiff's further damage, according to
3 proof.

4 **VI.**

5 **PRAYER**

6 WHEREFORE, Plaintiffs demand the following relief, jointly and
7 severally, against all the Defendants;

- 8 a) For damages for injuries sustained due to the negligence of Defendant
9 UNITED STATES OF AMERICA's agents and employees, including past
10 and future medical expenses, lost wages, loss of earning capacity, pain and
11 suffering, mental anguish, and all other appropriate damages resulting from
12 their injuries.
- 13 b) Costs of suit necessarily incurred herein; and
- 14 c) Such further relief as the Court deems just or proper.

15
16 DATED: July 8, 2022

**DOWNTOWN L.A. LA
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Igor Fradkin, Esq.
Attorney for Plaintiffs,
NATHAN GARRETT and
JONATHAN NELSON

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DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all issues so triable.

DATED: July 8, 2022

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